

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

July 15, 2003

MINUTES

1. Call to Order/Roll Call

Mayor Simpson called the Meeting to order at 5:30 pm and announced that a quorum was present.

Those present were:

Mayor Simpson
Mayor Pro-Tem Maso
Deputy Mayor Pro-Tem Lafata (entered at 6:40 p.m.)
Council member Allen
Council member West
Council member Joyner
Council member Felker

Staff present were:

City Manager George Purefoy
Deputy City Manager Henry Hill
Assistant City Manager Scott Young
Assistant City Manager Jason Gray
City Secretary Nan Parker
City Attorney Richard Abernathy
Cissy Silo, Director of Engineering Services
Director of Planning & Development Services John Lettelleir

2. Recess into Closed Session

Council member West moved to recess into Closed Session at 5:30 p.m. Council member Allen seconded the Motion. Motion carried. Vote: 5-0.

Mayor Simpson announced the Council was in Closed Session at 5:30 p.m. as authorized by Texas Local Government Code, to wit:

- a) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289;
 - ii. south of FM 3537, north of Warren Parkway, east of Dallas North Tollway, and west of Hillcrest Road.
- c) Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. boundary issues with McKinney and The Colony, and
 - ii. ordinances regarding the regulations of CSST
- d) Section 557.071. Meeting with City Attorney regarding:
 - Cause No. 366-891-02; *Steve Nichols, et al. vs. Kathleen A. Seej*; In the 366th Judicial District Court of Collin County, Texas;
- e) Section 551.074. Evaluation of City Manager.
- f) Sec. 551.071, Government Code: Meeting with the attorney for the City to seek advice on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act concerning MUDs, Water Districts and other governmental entities that may be created in or near the City.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Mayor Pro-Tem Maso moved to reconvene into Regular Session. Council member Allen seconded the Motion. Motion carried. Vote: 5-0.

No action was taken as a result of the Closed Session.

4. Invocation

Russell Floyd, Pastor of First United Methodist Church offered the invocation.

5. Pledge of Allegiance

Sophia Coria led the audience in the Pledge of Allegiance.

6. Citizen Input

John Brady of the Frisco Community Theatre was present to address the Council regarding the theatre's desire to start a public information campaign. Mr. Brady stated they are appealing to the citizens of Frisco to participate in the theatre, especially the children. He invited everyone to the newest production ***Alice in Wonderland*** from July 30 – August 4. Mr. Brady stated they offer children's acting classes.

7. Reports

- a) Presentation from Judge Ron Harris – Judge Harris was unable to attend the Meeting.
- b) Presentation regarding Stewart Creek Wastewater Plant Improvements – Joe Stankawicz, representative of North Texas Municipal Water District updated the Council and audience on the history of the plant and expansion. He stated there are plans underway to make improvements to the plant at this time.
- c) Santa Rosa/Santa Clara Utility Easement Update – Donnie Mayfield was present to address the Council regarding the existing fences that are located in the easements along Santa Clara. Mayor Pro-Tem Maso stated that there is a long history and most of the residents have placed the fences on the easements, however the records are sparse. Council member Joyner questioned whether the utility companies had been asked if they had any complaints with the fences being located in the easements. Mr. Mayfield stated that the utility companies did not have problems with going into the yards. Council member Felker stated that the direction he would recommend would be to ask the residents to keep the areas clean and mowed and leave the fences as they exist.
- d) Public Works Monthly Report – No action.
- e) Tax Department Monthly Report – Mayor Pro-Tem Maso asked that Frances Justus keep the Council informed of the delinquent taxes. He (Maso) asked if the law firm that collects delinquent taxes are trying to work out payments with the property owners. Mr. Purefoy stated the first option, prior to the delinquent taxes being turned over to the law firm for collection, is to work with the property owner. He (Purefoy) stated that the delinquent taxes are submitted for collection only after years of being delinquent.
- f) Financial Monthly Report – No action.
- g) Project Status Tracking Report – No action.

Discussion only, no formal action was taken on any items.

8. Consent Agenda

The Consent Agenda was considered for approval. Deputy Mayor Pro-Tem Lafata moved to approve the Consent Agenda as presented. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

- A) Approval of the Minutes of the Regular City Council Meeting held on July 1, 2003.
(City Secretary)

- B) Approval of the Change Order Number 1 in the amount of \$14,974.75 to Wier and Associates for additional flood study work associated with McKinney Road Park. (Parks and Recreation)
- C) Approval to award the bid from Coffey's Landscape Services, Inc. in the amount of \$171,500.00 for Preston Road Implementation plan Phase I and adopt **Resolution 03-07-130R** authorizing the City Manager to execute the Agreement, subject to submission of contract, bonds, and insurance and upon receiving the necessary easements. (Parks and Recreation)
- D) Approval to award the bid to TGR Constructors, Inc. in the amount of \$54,575.00 and adopt **Resolution 03-07-131R** authorizing the City Manager to enter in to an Agreement for Construction Services for the Stonebriar Creek Estates Waterline, Phase 1, subject to submission of contract, bonds. (Engineering)
- E) Adoption of **Resolution 03-07-132R** supporting a comprehensive, coordinated, interagency approach to Freeway Management in the Dallas-Fort Worth Metropolitan Area. (Engineering)
- F) Adoption of a **Resolution 03-07-133R** authorizing the City Manager to execute a Lease and Operation Agreement by and between the City of Frisco and the Panther Creek Association of Homeowners, Inc. for the Maintenance of the Public Improvement District's Infrastructure. (Administrative Services)

END OF CONSENT AGENDA

9. Legislative Agenda

The Legislative Agenda was considered for approval. Mayor Pro-Tem Maso moved to remove Item 9A. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Council member West moved to remove Item 9C for separate discussion. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro-Tem Lafata to approve 9B as submitted. Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0. .

- A) **Consider and act upon adoption of an Ordinance renaming Lone Star Ranch Site Number 1 Neighborhood Park to John Lennox Newman Park. (Parks and Recreation)**

Otis Newman asked if the City would consider renaming the John Lennox Newman Park to the J.R. Newman Park after his Daddy. Council member Joyner moved to adopt **Ordinance 03-07-55** therein renaming Lone Star Ranch Site Number 1 Neighborhood Park to J.R. Newman Park. Deputy Mayor Pro-Tem Lafata seconded the Motion.

Motion carried. Vote: 6-0.

- B) Adoption of **Ordinance No. 03-07-56** therein amending Planned Development-87-Townhome located on 21.2+ acres on the northwest corner of Lebanon Road and the Burlington Northern-Santa Fe Railroad to modify the development standards to remove the cap on the maximum number of residential units allowed within Tract 3. Zoned Planned Development-87-Townhome. Neighborhood #39. (Planning & Development)
- C) **Consider and act upon adoption of an Ordinance amending the Comprehensive Zoning Ordinance to establish standards for Alternative Subdivision Design for properties zoned Single Family-4, Single Family-5, Multiple Family-1, Multiple Family-2 and Planned Developments where Single Family-4, Single Family-5, Multiple Family-1, and Multiple Family-2 are permitted. (Planning & Development)**

Council member Allen moved to adopt **Ordinance No. 03-07-57** therein amending the Comprehensive Zoning Ordinance to establish standards for Alternative Subdivision Design for properties zoned Single Family-4, Single Family-5, Multiple Family-1, Multiple Family-2 and Planned Developments where Single Family-4, Single Family-5, Multiple Family-1, and Multiple Family-2 are permitted. Mayor Pro-Tem Maso seconded the Motion. Voting Aye: Council member Allen, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Joyner and Council member Felker. Voting Nay: Council member West. Motion carried. Vote: 5-1.

END OF LEGISLATIVE AGENDA

- 10. Public Hearing: Subdivision Amendment SA03-0004: A request to amend Section 5.02(6) of the Subdivision Regulation Ordinance in order to update the requirements for monumentation being provided on plats in accordance with the City's Monumentation System. (Engineering)**

Council member West moved to open the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Council member Allen moved to close the Public Hearing. Council member West seconded the Motion. Motion carried. Vote:

Council member Allen moved to approve the request. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

- 11. Continuation of Public Hearing: Specific Use Permit SUP03-0003. A request for a Specific Use Permit for a Child Day Care Center on 8.1+ acres on the west side of Custer Road, 640+ feet south of Stonebridge Drive. Zoned Agricultural. Requested zoning is Planned Development-Single-Family-1. Neighborhood #15.**

Applicant(s): Little Red Wagon Private School. Tabled 05/20/03 (Planning)

Scott Ingalls was present to address the council stating the applicant requested the item be withdrawn.

Deputy Mayor Pro-Tem Lafata moved to remove the item from the table. Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

Council member West moved to accept the request of withdrawal. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

12. Public Hearing: Specific Use Permit SUP03-0006. A request for a Specific Use Permit for a Mini-Warehouse on one lot on 6.9+ acres located at the southeast corner of Frisco Street and Technology Drive. Zoned Commercial-1. Neighborhood #46 (Planning & Development)

Council member Allen moved to open the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Deputy Mayor Pro-Tem Lafata moved to close the Public Hearing. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve. Council member West seconded the Motion. Motion carried. Vote: 6-0.

13. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement by and between the City of Frisco and Vicki Stanbery and Debbie Stanbery d/b/a Event & Tour Concepts of Dallas and Pat Sherlock d/b/a Pea Patch entailing all activities associated with a "Farmer's Market". (Planning & Development)

Audie Adkins of the Chamber of Commerce stated the applicant had withdrawn from the Farmer's Market, however the Chamber is working towards finding additional vendors to participate in a Farmer's Market.

No action taken on this item due to specific nature of the Agenda item, naming parties that would not be in the contract.

14. Consider and act upon a recommendation to create a Finance and Audit Subcommittee and appoint three Council Members to serve on the Committee. (Administrative Services)

Council member Allen moved to create a Finance and Audit Subcommittee and appoint three Council Members to serve on the Committee. Council member West seconded the Motion. Motion carried Vote 6-0

Council member Joyner, Mayor Pro-Tem Maso and Deputy Mayor Pro-Tem Lafata stated they would serve on the committee.

15. Consider and act upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Azteca Systems, Inc. in the amount of \$129,975.00 to provide citizen relationship management software, work management software for Public Works and Parks & Recreation Departments and implementation services. (Administration and GIS)

Perry Harts was present to address the Council regarding the Citizen Relationship Management software work management program. Mayor Simpson asked about the citizens' flexibility in finding out the status of their project on-line.

Assistant City Manager Jason Gray stated that there will be annual maintenance that comes with the program.

Deputy City Manager stated that anyone may take a citizen complaint with question prompts to be certain that the complaint is directed to the right department.

Council member Allen moved to adopt **Resolution 03-07-134R** therein authorizing the City Manager to execute an agreement by and between the City of Frisco and Azteca Systems, Inc in the amount of \$129,975.00 to provide citizen relationship management software work management software for Public Works and Parks & Recreation Departments and implementation services. Council member Joyner seconded the Motion. Motion carried Vote: 6-0.

16. Consider and act upon appointment to two Council Members to the Policy and Governance Committee. (City Secretary)

Council member Allen moved to appoint Council member West, Council member Felker and Council member Joyner and Mayor Simpson to the Policy and Governance Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

17. Consider and act upon award of bid and act upon a Resolution authorizing the City Manager to enter into an Agreement for Construction Services for Eldorado Parkway Bridge, contingent upon obtaining the necessary easements. Tabled 06/17/03, 7/1/03 (Engineering)

Council member Allen moved to remove the item from the table. Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

Les St. John, Hunter Associates, was present to address the Council on the decision to construct an overpass at Eldorado Parkway Bridge versus the underpass at Eldorado Parkway due to drainage issues, sump pump requirements and perpetual maintenance. Mr. St. John stated in addition in the event of a heavy rainfall the pumps could possibly

not be able to handle the drainage and there could be a life-threatening situation due to overflow of water.

Director of Engineering Services Cissy Sylo stated that during her employment with the City of Carrollton there were many, many times that the underpass at Trinity Mills flooded and Carrollton crews had to save individuals and their families.

Ms. Sylo stated the Engineering staff had scheduled a meeting for tomorrow (July 16, 2003) at 6:30 p.m. to meet with property owners regarding Eldorado Parkway Bridge

Rafal Sydor, Ernie Escontrias, Kent Roberson, Tenisha Turner, Tim Cannon, Julie Jimenez, Dan Johnson, Mary-Catherine Escontrias, Donna Roberson, Richard Evans were present to speak against the overpass on Eldorado Parkway Bridge. The majority of the homeowners stated they had been misled by Lennar Homes.

Council member Allen moved to **table until August 6, 2003**. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

18. Consider and act upon adoption of an Ordinance repealing Ordinance Number 02-10-122 regarding the installation of Gas Piping Systems. Tabled 06/03/03, 0617/03, 7/1/03 (City Attorney's Office)

Items 18., 19., and 20 were considered in Toto.

Council member Allen moved to remove the items 18., 19. and 20. from the table. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Richard Abernathy recommended that the Council adopt the ordinances subject to the execution of a Release of Claims made by Gastite against the City.

Duane Schultz and Dan Roberts of Gastite, were present to address the Council regarding the pricing of gas flow valves of new construction at approximately \$150.00 versus those that might want to retrofit their existing valves. They (Schultz and Roberts) stated that they felt the price would not be much greater.

Council member Allen moved to adopt **Ordinance No. 03-07-58** therein amending Ordinance No. 02-05-25 (which adopted the 2000 Fuel Gas Code); amending Section 409 (Shutoff Valves), of the 2000 International Fuel Gas Code; **repealing** City of Frisco Texas **Ordinance No. 02-10-122** and adoption of **Ordinance No. 03-07-59** therein amending Ordinance No. 01-12-97, (which adopted the 2000 Edition of the International Residential Code); amending, Section R315 (handrails), Section E3509.7.1 (Gas Pipe Bonding), Section G2419 (Shutoff Valves), and Section G2420 (Flow Controls) of the 2000 International Residential Code; **repealing Ordinance Nos. 02-10-123 and 03-04-24** subject to the execution of a Release of Claims made by Gastite against the City of Frisco. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

19. Consider and act upon adoption of an Ordinance repealing Ordinance Number 02-

10-123 regarding adding options for Lightning Suppression Systems. Tabled 06/03/03, 06/17/03, 7/1/03 (City Attorney's Office)

See Item No. 18.

- 20. Consider and act upon adoption of an Ordinance repealing Ordinance Number 03-04-24 and adopting additional regulations for Flexible Corrugated Stainless Steel Piping Systems (CSST), copper and steel gas pipe systems. Tabled 06/17/03, 7/1/03 (City Attorney's Office)**

See Item No. 20.

- 21. Consider and act upon adoption of an Ordinance establishing the Frisco Convention and Visitors Board. Tabled 7/1/03(City Manager's Office/JG)**

Discussion regarding the adoption of an ordinance establishing the Frisco Convention and Visitors Board. Council member Felker discussed not like the residence requirement for the board members. He (Felker) suggested adding additional section under Article 4, Section 2 "Objectives" add the language, "to enhance economic dollars received from outside the city. He also suggested the addition of language under definitions of Director to change to, "employed in, or affiliated with the industry they are nominated from".

Following discussion, Council member Felker moved to adopt **Ordinance 03-07-60** therein establishing the Frisco Convention and Visitors Board subject to the inclusion of additional language as provided to Assistant City Manager Jason Gray. Council member Allen seconded the Motion. Motion carried. Vote 6-0.

- 22. Governance Agenda**

No formal action was taken.

- 23. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.**

No formal action was taken.

- 24. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda**

- Staff was instructed to update citizens who live on Santa Rosa and Santa Clara.
- Staff was instructed to send out prepared statement regarding CSST.

- 25. Discussion on Governance Monitoring of present City Council Meeting.**

Council member West reviewed the monitoring of the present City Council Meeting and stated the Council was prepared, she stated the Council began to lag during the middle of the meeting, average of 4-5 minutes on each item per council member, Item No. 17 began to get out of hand and the Mayor brought the meeting back to order in a professional manner. Discussion only, no formal action was taken.

26. Adjourn

There being no additional business, the meeting was adjourned at 9:51 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan S. Parker, City Secretary